



# **AZ POST**

## **QUARTERLY INTEGRITY BULLETIN**

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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its July, August and September 2014, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances.

The Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

### **REVOCATIONS:**

#### **MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE**

Officer A was spit on by a prisoner during processing; he used excessive and unauthorized force when he "choked-out" the prisoner. Officer A also failed to complete a Use of Force Form or report the Use of Force in any departmental documentation.

Officer B, without cause, grabbed a suspect by the collar and threw him to the ground. While completing paperwork, he was given a witness statement; he read it, crumbled it up and threw it in the trash rather than submit it to records or evidence. Officer B submitted a false police report by omitting the existence of the witness statement. Officer B plead guilty to Tampering with Physical Evidence.

Officer C solicited and had sexual intercourse with a 17-year old female.

Officer D, on two separate occasions, committed disorderly conduct and assault on her live-in boyfriend.

Officer E was dishonest with criminal investigators questioning him concerning an assault he was involved in. Later, Officer E was dishonest concerning his positive testing for prescription drugs and was found to have illegally purchased prescription drugs.

### **SUSPENSIONS:**

- An officer, while off duty, drove his personal vehicle with a 0.159% BAC.
- An officer drove his personal vehicle 80 mph in a 65 mph zone and had a .228% BAC.
- An on-duty officer watched a live video of a woman conducting a sex act on his smartphone while in a marked patrol vehicle.
- An on-duty deputy had sexual contact with an on-duty commander from her department. She received a 12 month suspension. The commander received an 18 month suspension.

- An off-duty officer drove his personal vehicle with a .175% BAC.

### **VOLUNTARY RELINQUISHMENTS:**

The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- A lieutenant stole hydrocodone for personal use that had been collected as part of a Drug Take Back Program.
- An officer consumed alcohol while working an off-duty assignment. The officer admitted to consuming two drinks, but surveillance video showed he had consumed seven alcoholic drinks.

### **NO ACTIONS:**

The Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the matter to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- An officer on field training failed to properly identify marijuana and did not respond to remedial training.
- An officer took credit on a training roster for completing a scenario he did not complete.
- An officer struck the ear of a co-worker with a flicking motion.
- An officer was insubordinate when accusing a supervisor of lying.
- An officer took a two-hour lunch for a job interview without notifying a supervisor.
- An officer failed to respond to training regarding sexual assault investigations and DUI investigations.
- A chief was less than forthcoming with criminal investigators concerning an altercation and fight which occurred at a bar.